

BEFORE THE
ILLINOIS COMMERCE COMMISSION

CENTRAL ILLINOIS LIGHT COMPANY) DOCKET NO.
d/b/a AmerenCILCO;) 09-0449
CENTRAL ILLINOIS PUBLIC SERVICE)
COMPANY d/b/a AmerenCIPS; and)
ILLINOIS POWER COMPANY)
d/b/a AmerenIP)
)
Petition for approval of Future)
Grid Surcharge Tariff and)
associated Smart Grid stimulus)
projects.)

Springfield, Illinois
Wednesday, November 18, 2009

Met, pursuant to notice, at 10:00 a.m.

BEFORE :

MR. LARRY JONES, Administrative Law Judge

APPEARANCES :

MR. EDWARD C. FITZHENRY
Corporate Counsel
1901 Chouteau Avenue
P.O. Box 66149, Mail Code 1310
St. Louis, Missouri 63166-6149
Ph.# (314) 554-3533

(Appearing via teleconference
on behalf of the Ameren
Illinois Utilities)

SULLIVAN REPORTING COMPANY, by
Carla J. Boehl, Reporter
CSR #084-002710

1		<u>I N D E X</u>			
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3	<u>WITNESS</u>	<u>DIRECT</u>	<u>CROSS</u>	<u>REDIRECT</u>	<u>RECROSS</u>
4	(None)				
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13		<u>EXHIBITS</u>			
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15				<u>MARKED</u>	<u>ADMITTED</u>
	(None)				
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PROCEEDINGS

JUDGE JONES: Good morning. I call for hearing Docket Number 09-0449. As originally filed, this was titled in part Central Illinois Light Company d/b/a AmerenCILCO, et al., petition for approval of Future Grid Surcharge Tariff and associated Smart Grid stimulus projects.

At this time we will ask the parties to enter your respective appearances orally for the record. Please give us your business address and business phone number as you do so. We will start with appearances on behalf of the Ameren Utilities.

MR. FITZHENRY: Yes, Your Honor, my name is Edward Fitzhenry. I am appearing on behalf of the Ameren Illinois Utilities. My address is 1901 Chouteau Avenue, Springfield, Post Office Box 66149, Mail Code 1310, St. Louis, Missouri 63166-6149. My telephone number is area code (314) 554-3533.

JUDGE JONES: Thank you. Other parties?

MS. BUELL: Appearing on behalf of Staff witnesses of the Illinois Commerce Commission, Linda M. Buell, 527 East Capitol Avenue, Springfield,

1 Illinois 62701. My telephone number is area code
2 (217) 557-1142.

3 Also appearing on behalf of Staff
4 witnesses of the Illinois Commerce Commission, Meghan
5 C. McNeil. Ms. McNeil's address is 160 North LaSalle
6 Street, Chicago, Illinois 60601 and her telephone
7 number is area code (312) 793-8185.

8 JUDGE JONES: Thank you. Other appearances?

9 MR. BOROVIK: And appearing on behalf of the
10 Attorney General, Michael Borovik, B like Boy,
11 O-R-O-V-I-K like Victor, and Kristin Munsch,
12 M-U-N-S-C-H, 100 West Randolph Street, Chicago,
13 Illinois 60601.

14 JUDGE JONES: Thank you. Are there other
15 appearances this morning?

16 MR. RYAN ROBERTSON: Yes, Your Honor, on behalf
17 of IIEC, Lueders, Robertson and Konzen, Ryan
18 Robertson, P.O. Box 735, Granite City, Illinois
19 62040.

20 JUDGE JONES: Could you give us your phone
21 number, please?

22 MR. RYAN ROBERTSON: Sorry. (618) 876-8500.

1 JUDGE JONES: Thank you. Are there other
2 appearances? Let the record show there are not, at
3 least at this time.

4 In terms of scheduling in this case,
5 we will ask at this time whether there are any
6 agreed-to schedules to be proposed for use in this
7 docket.

8 MR. FITZHENRY: Your Honor, this is Ed
9 Fitzhenry. To my knowledge there are none.

10 JUDGE JONES: All right. Without getting into
11 the details, are there any competing schedules that
12 have been formulated at this point in time by one
13 party or another? Let the record show no response.

14 Perhaps it would be useful to give the
15 parties an opportunity off the record to discuss
16 scheduling or scheduling options.

17 MS. BUELL: Judge, yesterday the Ameren
18 Illinois Utilities filed a Motion to Amend its
19 Petition. Staff would like an opportunity to file a
20 response to that Motion to Amend the Petition.

21 JUDGE JONES: How long do you propose for that
22 filing period?

1 MS. BUELL: Your Honor, Staff requests a
2 response date of December 15, 2009.

3 MR. BOROVNIK: And, Your Honor, the AG's office
4 would like to respond as well, and that date is
5 acceptable.

6 JUDGE JONES: Do the Ameren Illinois Utilities
7 or any other party have any objection to what Staff
8 has proposed?

9 MR. FITZHENRY: Your Honor, this is Ed
10 Fitzhenry again. Ameren Illinois Utilities have no
11 objection to parties filing a response to the Motion
12 to Amend the Petition, and a December 15 date is fine
13 by us.

14 Pursuant to the Commission's rules of
15 practice, the movant has an opportunity to reply to
16 those responses, and we would propose that we would
17 be able to file a reply on December 22.

18 JUDGE JONES: Thank you. Do any other parties
19 have any response to the Staff's motion for leave to
20 file a response to the motion?

21 MS. MUNSCHE: Your Honor, just to be clear, this
22 is Kristin Munsch on behalf of the People, the

1 responses to Ameren's motion would be due by December
2 15 and then the Company would respond by 12/22, is
3 that correct?

4 MS. BUELL: That's Staff's understanding,
5 Kristin.

6 MS. MUNSCH: Okay. Thank you, Linda, I just
7 wanted to make sure. And that's acceptable to us. I
8 just double checked the dates.

9 JUDGE JONES: Any other responses to the
10 scheduling that has been outlined above? Let the
11 record show there are not.

12 All right. We will get back to that
13 in just a minute. Before doing that, I want to check
14 with the parties to see if that is all that Staff
15 intended would happen today, if that schedule is put
16 into place, or whether the intent was that there
17 would be other matters taken up today in this
18 prehearing conference.

19 MR. FITZHENRY: Again, this is Ed Fitzhenry,
20 Judge. I am not aware of any other matters that need
21 to be brought to your attention this morning.

22 JUDGE JONES: Thank you.

1 MS. BUELL: Your Honor, Staff did have one
2 other matter to bring up at this time. It is Staff's
3 intention to file a motion dismissing this proceeding
4 on or before December 15, 2009.

5 JUDGE JONES: All right. You are proposing
6 that Staff be given leave to file a motion to dismiss
7 on or before December 15?

8 MS. BUELL: That is correct, Your Honor.

9 JUDGE JONES: Do other parties have any
10 responses to Staff's motion this morning for leave to
11 do that?

12 MR. FITZHENRY: Judge, this is Ed Fitzhenry. I
13 am unclear as to now Staff's position. I just
14 thought I heard Staff ask for an opportunity to
15 respond to the amended petition which I would -- you
16 know, could include a motion to dismiss. But now I
17 am hearing that Staff wants to move to dismiss either
18 the original petition or the amended petition and
19 then have an opportunity to file a response to the
20 Motion to Amend the Petition. And it seems that the
21 request is repetitious.

22 JUDGE JONES: All right. Ms. Buell, what all

1 does Staff seek leave to file on December 15?

2 MS. BUELL: Staff requests, as stated before,
3 an opportunity to respond to AIU's Motion for Amended
4 Petition that was filed yesterday. In addition,
5 Staff will be filing its own motion to dismiss the
6 entire proceeding. Staff believes those should be
7 accomplished in separate documents.

8 MR. BOROVIK: And, Your Honor, this is the
9 Office of General Counsel.

10 JUDGE JONES: Could you identify yourself,
11 please?

12 MR. BOROVIK: I am sorry, the Attorney
13 General's office.

14 JUDGE JONES: But you individually could you
15 identify yourself for our court reporter?

16 MR. BOROVIK: This is Michael Borovik. I
17 apologize, Your Honor.

18 We really just had a chance to look at
19 the amended petition that we received yesterday
20 afternoon, and we haven't had a chance to determine
21 our position on it. But we may be interested in
22 filing a motion to dismiss as well.

1 JUDGE JONES: All right. I will tell you what,
2 I don't know that the parties are really in
3 disagreement as to what should happen next or the
4 relationship between those filings. Obviously, there
5 may be some disagreements over what they seek. But I
6 think part of any confusion this morning may be
7 because these things are being made known on the spot
8 and have not been previously discussed. And that may
9 be attributable in part to the fact that there was a
10 filing made late yesterday with regard to the above.

11 So to give the parties a couple of
12 minutes to sort out what you think should happen
13 next, assuming there is any confusion over how those
14 things tie together and how that would fit into the
15 schedules that are being proposed, we hereby go off
16 the record.

17 (Whereupon there was then had an
18 off-the-record discussion.)

19 JUDGE JONES: Back on the record. Let the
20 record show there was a short off-the-record
21 discussion for the purposes indicated.

22 What is the status of the current

1 procedural proposals with respect to some upcoming
2 filings that were being contemplated?

3 MS. BUELL: Staff's position remains unchanged,
4 Your Honor.

5 JUDGE JONES: All right. Mr. Fitzhenry, do you
6 have an objection to what Staff is proposing to do
7 procedurally?

8 MR. FITZHENRY: No, I do not.

9 JUDGE JONES: Let's assume for the moment that
10 leave is given to file motions to dismiss on December
11 15th. What would happen next procedurally with
12 respect to that motion?

13 MR. FITZHENRY: Your Honor, this is Ed
14 Fitzhenry. Per the Commission's rules parties have a
15 right to reply, I believe, within seven days and we
16 would like to be able to do so.

17 JUDGE JONES: So you are proposing seven days
18 for any responses to the motion or motions to
19 dismiss?

20 MR. FITZHENRY: Right. We are shortening it,
21 but we are fine with the seven-day turnaround.

22 JUDGE JONES: Thank you.

1 MS. BUELL: Your Honor, Staff would request
2 seven days to file a reply.

3 JUDGE JONES: So with respect to any motions to
4 dismiss, the date being proposed, as I understand it,
5 is December 15. The date proposed for any responses
6 would be December 22, and any replies to responses
7 will be December 29.

8 Are there any objections to any of the
9 elements of that proposed schedule? Let the record
10 show no response.

11 I think we are then ready to proceed
12 with a procedural ruling on the scheduling proposals
13 that have been outlined. Is there anything else
14 before we get to that that the parties think need
15 attention this morning? All right. Let the record
16 show no response.

17 At this time then let the record show
18 that the procedural schedules that have been proposed
19 in the record this morning are hereby adopted for
20 purposes of this proceeding. With regard to any
21 responses to the motion filed by the Ameren Utilities
22 yesterday appearing in the docket sheet as a Motion

1 for Amended Petition, the response date for such
2 responses is December 15, 2009. The date for any
3 replies to such responses is December 22, 2009. With
4 respect to any motions to dismiss the filing, the
5 filing date for those is December 15. With respect
6 to any responses to the motion or motions to dismiss,
7 the file date would be December 22. The date for any
8 replies to responses to the motions to dismiss would
9 be December 29.

10 I believe those are the dates that are
11 being proposed. Let me make sure. Are there any
12 points of clarification or correction with regard to
13 those sets of filing dates? All right. Let the
14 record show there are not.

15 Are there any objections to those
16 filing dates? Let the record show there are not.

17 At this time then let the record show
18 that the filing dates applicable to the Motion to
19 Amend and filing dates applicable to the motion or
20 motions to dismiss are hereby implemented as just
21 read into the record. Copies will be served
22 electronically on other parties and on me on the

1 filing dates.

2 Anything else at this time with
3 respect to any of the above?

4 MR. RYAN ROBERTSON: Your Honor, this is Ryan
5 Robertson with IIEC. Not with the respect to the
6 above but we filed a Petition to Intervene and
7 wondered if you could act on it so we could get added
8 to the service list.

9 JUDGE JONES: If you filed a Motion to
10 Intervene and its been docketed by the Commission,
11 then you are on the service list.

12 MR. RYAN ROBERTSON: Okay.

13 JUDGE JONES: But we can take up your Petition
14 for Leave to Intervene today, if the parties wish to
15 do that. But if you were identified on the Petition
16 for Leave to Intervene, you are on the service list.
17 We can double check that.

18 MS. BUELL: They are on the service list, Your
19 Honor.

20 MR. RYAN ROBERTSON: The only reason I ask is
21 because I didn't get the Motion to Amend yesterday,
22 the office didn't.

1 JUDGE JONES: Yeah, it looks like Ryan
2 Robertson and Eric Robertson were added to the ICC
3 docket service list on November 2.

4 Are there any objections to the
5 Petition for Leave to Intervene filed on behalf of
6 Archer Daniels Midland Company, et al.? Let the
7 record show no response. That Petition for Leave to
8 Intervene is granted.

9 There is a Petition of the People of
10 the State of Illinois for Leave to Intervene on file,
11 also. Any objections to that Petition for Leave to
12 Intervene? All right. Let the record show no
13 response. The Petition of the People of the State of
14 Illinois for Leave to Intervene is granted.

15 There is a Petition for Leave to
16 Intervene filed on behalf of the Citizens Utility
17 Board. Are there any objections to that Petition for
18 Leave to Intervene? Let the record show there are
19 not. The Petition for Leave to Intervene filed by
20 the Citizens Utility Board is hereby granted.

21 Anything else this morning? Let the
22 record show there is not. At this time we probably

1 need to determine whether there is to be another
2 status hearing after that series of filings. For
3 that purpose we hereby briefly go off the record.

4 (Whereupon there was then had an
5 off-the-record discussion.)

6 JUDGE JONES: Back on the record. Let the
7 record show there was a short off-the-record
8 discussion regarding the setting of a status hearing
9 in this matter. I believe a date that is at least
10 unobjectionable or otherwise workable for the parties
11 is January 15 at 10:00 a.m. Participation by
12 telephone would be permitted.

13 Any objections to a status hearing
14 being scheduled for January 15 at 10:00 a.m.? Let
15 the record show there is not. A status hearing is
16 hereby scheduled January 15 at 10:00 a.m.
17 Participation by telephone is permitted and will be
18 permitted.

19 Anything else? Let the record show --

20 MR. FITZHENRY: Judge, this is Ed Fitzhenry.
21 We will circulate a call-in number for that status
22 hearing date.

1 JUDGE JONES: Thank you, Mr. Fitzhenry. And
2 thanks also to you and your office for circulating
3 the call-in number for today's prehearing conference.

4 MR. FITZHENRY: And I would like a transcript
5 of the copy as well, please.

6 JUDGE JONES: Anything further? There is not.

7 At this time then let the record show
8 that today's prehearing conference is over. In
9 accordance with the above scheduling, this matter is
10 continued to a status hearing for January 15, 2010,
11 at the hour of 10:00 a.m. Thank you, all. Have a
12 good day.

13 (Whereupon the hearing in this
14 matter was continued until
15 January 15, 2010, at 10:00 a.m.
16 in Springfield, Illinois.)
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